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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

DIRECTV, INC., a California corporation,  
  
Plaintiff,  
  
vs.  
  
RAMON AGUILAR,  
  
Defendant.

Case No. CV-04-03613 PVT

Hon. Patricia V. Trumbull

**REQUEST FOR VOLUNTARY DISMISSAL  
OF DEFENDANT RAMON AGUILAR;  
~~[PROPOSED]~~ ORDER THEREON**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff DIRECTV, Inc. ("DIRECTV") hereby respectfully requests that the Court enter an Order dismissing the above-captioned action with prejudice as to Defendant RAMON AGUILAR ("Defendant"). This request is made on the grounds that Defendant and DIRECTV have entered into an agreement settling this matter. Pursuant to the terms of that agreement, DIRECTV agreed to voluntarily dismiss this action against Defendant, each party to bear its own attorneys' fees and costs incurred in this action to date.

Defendant answered the Complaint on or about December 7, 2004. DIRECTV, therefore, cannot unilaterally voluntarily dismiss this action against Defendant absent a Court order. Fed. R. Civ. P. 41(a). Accordingly, DIRECTV respectfully requests the entry of such an order dismissing Defendant with prejudice.

1 DATED: June 16, 2005

Respectfully Submitted,

2 BUCHALTER, NEMER, FIELDS & YOUNGER  
3 A Professional Corporation

4 By: /s/ Brandon Q. Tran  
5 Brandon Q. Tran  
6 Attorneys for Plaintiff DIRECTV, Inc.

7  
8 **ORDER**

9 Having read the foregoing Request for Voluntary Dismissal of Defendant  
10 RAMON AGUILAR filed by Plaintiff DIRECTV, Inc., and such other pleadings and papers  
11 deemed appropriate by the Court, and GOOD CAUSE appearing therefore, the Court ORDERS  
12 as follows:

- 13 1. This action is hereby dismissed with prejudice as against Defendant RAMON  
14 AGUILAR;
- 15 2. Each party shall bear its own attorney's fees and costs incurred in this action to  
16 date.

17 DATED: June 17, 2005

/s/ Patricia V. Trumbull

18 Honorable Patricia V. Trumbull  
19 United States District Court  
20 Northern District of California